

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARSENIO RUSSHON MORGAN,

Plaintiff,

v.

MICHAEL BROWN, *et al.*,

Defendants.

Case No. 2:20-cv-01433-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On September 29, 2020, the previously assigned magistrate judge screened plaintiff's complaint, found that it failed to state a claim, and granted plaintiff thirty days to file an amended complaint. ECF No. 5. Plaintiff failed to timely file an amended complaint. Accordingly, on November 17, 2020, plaintiff was ordered to show cause within thirty days why this action should not be dismissed for failure to prosecute and for failure to state a claim. ECF No. 9. Plaintiff was notified that if he wished to continue with this lawsuit, he must file an amended complaint. He was also warned that failure to comply with the November 17 order would result in a recommendation that this action be dismissed.

1 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise
2 responded to the November 17, 2020 order. Accordingly, it is ORDERED that the Clerk of Court
3 shall randomly assign a United States District Judge to this case.

4 Further, it is RECOMMENDED that:

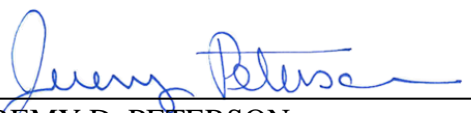
5 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
6 and failure to state a claim for the reasons set forth in the September 29, 2020 order.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17
18 IT IS SO ORDERED.

19 Dated: February 22, 2021

20 
21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28